



## PLANNING APPLICATIONS COMMITTEE

23rd April 2015

Planning  
Applications  
Committee:  
procedures.  
478/5(13)

A2. The Committee, with reference to its Minute No. A2 of 19th February 2015, considered a report and appendices dated 14th April 2015, entitled "Planning Applications Committee – procedures and arrangements" which had been prepared by the Department. In addition Supplementary Planning Guidance (SPG) Practice Note No. 6 was tabled at the meeting for approval.

The Committee recalled that the States had adopted the Planning and Building (Amendment of Law) (Jersey) Regulations on 24th February 2015. Article 9 of the Law permitted the Committee to determine its own procedures. Article 9A(1A) stated that "*functions shall be allocated to the Planning Applications Committee by agreement between the Chief Officer and that Committee, and in default of such agreement, the Minister shall determine which functions shall be so allocated.*" The Committee further recalled that on 19th February 2015, in its previous incarnation as the Planning Applications Panel, it had discussed the form the aforementioned *agreement* might take. In this connexion its attention was drawn to a draft *agreement* prepared by the Department which reflected its previous discussions. The agreement set out the circumstances in which applications would be referred to the Committee as follows –

- where granting planning permission would be inconsistent with the Island Plan;
  - where, following the refusal of an application or the imposition of a condition by the Chief Officer, the applicant requested a review of that decision by the Committee (within 28 days of the date of the original decision date);
  - where the Chairman of the Committee had specifically requested that an application be considered by the Committee;
  - where the Chief Officer considered the nature of application to be such that it merited referral to the Committee;
  - where an application for planning permission had attracted 4 or more representations from individuals who appeared to be from different addresses and the nature of the representations ran contrary to the Departmental recommendation;
  - where the Committee reached a conclusion which was contrary to the Departmental recommendation, the application would be represented at the next Committee meeting for ratification (with supporting documentation prepared by the Department which set out the reasons for refusal/approval);
- NB. Where a difference of opinion related to a proposed condition or reason, the matter could be concluded during the course of the meeting and did not need to be represented at a subsequent meeting; and,
- when an application had been included on a Committee agenda, that item could only be removed from the agenda with the agreement of the Chairman.


With regard to other procedures, the Committee noted that the details of Committee meetings would continue to be published by the Department. It was also noted the Minister for Planning and Environment had made the Planning and Building (Planning Applications Committee – proceedings) (Jersey) Order 2015.

The said Order stipulated that the quorum for Planning Applications Committee meetings would be 3 members. If a vote was tied the item under consideration would be determined in the negative and the application would be refused (in the same manner established under Article 16(2) of the States of Jersey Law 2005). This would allow the applicant to pursue an appeal.

Arrangements would also be put in place to facilitate the gathering of Committee views on specific policies as they arose. Such comments would be used to inform the Department's annual report.

Having considered the draft agreement, the code of conduct and SPG Practice Note No 6, the Committee accordingly approved the same. Members also expressed support for the gathering of policy related comments by the Committee.

On a related matter, the Committee concluded that it was not appropriate for members to respond directly to letters they received in relation to planning applications. Consequently, it was agreed that a standard response should be prepared by the Department.



Greffier of the States